

## CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):



FEPA



EEOC

450-2023-00941

## Texas Workforce Commission, Civil Rights Division

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Ms. Shaila Bernard

Home Phone (Incl. Area Code)

(575) 496-5761

Date of Birth

06/29/1971

Street Address

City, State and ZIP Code

2618 Calmwater Dr, Little Elm, TX 75068

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

Raytheon Intelligence and Space

No. Employees,  
Members

15+

Phone No. (Include Area Code)

(972) 301-0564

Street Address

City, State and ZIP Code

1717 E CityLine Dr, Richardson, TX 75082

Name

No. Employees,  
Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)



RACE



COLOR



SEX



RELIGION



NATIONAL ORIGIN



RETALIATION



AGE



DISABILITY



GENETIC INFORMATION



OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

03/07/2022

Present



CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

**Statement of Harm:** Raytheon Intelligence and Space ("Raytheon") is discriminating and retaliating against me on the basis of my disability.

I suffer from Cerebral Palsy, which substantially limits my major life activities of using the left side of my body, causing me to be substantially limited in using my left arm and to walk with a limp. I was hired into a Senior Software Configuration Manager hybrid position working primarily remotely and only in person when dealing with classified information. As my disability is visibly apparent, and Raytheon has repeatedly witnessed me limping and working with only the use of my right arm, Raytheon is aware of my disability and related limitations.

After learning of my disability, Katie (Product Owner) began subjecting me to increased scrutiny, stating that she was going to watch over my shoulder. I objected to the discriminatory increased scrutiny and escalated my concerns to Liz Otwell (Section Lead) and Rachael Biederman (Manager). However, they refused to take any remedial action and ratified the increased scrutiny telling me to just "let her micromanage your every move."

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I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

02 / 14 / 2023

Date

Shaila Bernard

Charging Party Signature

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**Continued from page 1**

Shortly thereafter, I suffered severe complications from the COVID-19 vaccine that substantially limited my inner ear and jaw joint function, resulting in severe pain and ringing in my ears. I required the reasonable accommodation of a brief medical leave, and upon my return to work, Katie and Ms. Biederman further harassed me for my disability and need for reasonable accommodations, snapping that I "should never do that," referring to taking a disability related medical leave, and that I needed to stay and work regardless of the adverse impacts to my health. Ms. Biederman also issued me a baseless write up for my disability related absences – further demonstrating Raytheon's discriminatory and retaliatory animus and refusal to reasonably accommodate me.

After returning from work, I continued undergoing treatment for the lasting complications from the COVID-19 vaccine, requiring the reasonable accommodation of intermittent time off two times per week for treatment. Suddenly, in or around late October 2022/early November 2022, Ms. Biederman baselessly removed me from my position under the pretext that there was no software position available. Raytheon is clearly adversely altering my position out of discriminatory and retaliatory animus and setting me up to fail. First, there was no legitimate basis for removing me from my position, and Raytheon's claim that there was no position available is patently false because Raytheon specifically hired me for a software position. Raytheon would not have been hiring for a position that was not available. Furthermore, Raytheon is willfully and baselessly moving me from a position that I could perform without use of my left arm without the need for additional accommodations to a position that it knows generally involves use of both arms – intentionally harassing me on the basis of my disability to try to set me up to fail.

Additionally, the hardware position is an entirely in office position, removing me from having a hybrid schedule. Not only is the schedule type change adverse, but also, Raytheon is clearly forcing me to work in person to subject me to further increased scrutiny out of discriminatory and retaliatory animus. Furthermore, the in-office work aggravates my vaccine complication disability as the uncontrolled noise levels exacerbate the ringing in my ears, further demonstrating that Raytheon is adversely altering me to further harass me based on my disability.

Further demonstrating that Raytheon is setting me up to fail to establish pretext against me, I requested my job descriptions so that my doctor could evaluate my restrictions and accommodations; however, the job descriptions that Raytheon provided are not the correct/accurate job descriptions. For instance, Raytheon has repeatedly refused to clearly inform me what position it is supposedly moving me to, and repeatedly failed to provide me a clear job description for the position. Furthermore, Raytheon provided a supposed copy of what it claims was the job description for the position for which I initially applied; however, this is also incorrect as the provided description has significant differences from the description of the position to which I applied. For example, the clearance level for the position is different and the skills of the position have been materially altered, including but not limited to multiple references to systems engineering that was not included in my job description.

**Continued on page 3**

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SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

02 / 14 / 2023

*Shaila Bernard*

Date

Charging Party Signature

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**Continued from page 2**

Furthermore, the security clearance that the original description stated that a TS/SCI clearance was required; however, the description that Raytheon provided states that a DOD Secret clearance, which I already have; Raytheon has kept me awaiting assignment under the pretext that it was waiting for the TS/SCI clearance investigation to be completed. However, as the TS/SCI clearance is not in fact required according to the provided descriptions, and I already have the required clearance, there is no legitimate basis to keep me out of my assignment. Additionally, none of these changes accurately reflect the reality of the position or the duties that I was successfully performing demonstrating that Raytheon is attempting to establish pretext to further discriminate and retaliate against me on the basis of my disability.

Furthermore, I am not the only employee that Raytheon has been discriminating against based on a disability. For example, Darrell Simon (Software) was restricted from getting the COVID-19 vaccine due to his disabilities and required the reasonable accommodation of working primarily remotely to reduce the risk of exposure. Instead of reasonably accommodating him, Raytheon began subjecting him to similar discriminatory and retaliatory harassment regarding his job position and forcing him into a position that required him to report into the office. Clearly, Raytheon engages in a pattern and practice of discrimination, retaliation, and failure to provide reasonable accommodations.

Meanwhile, Raytheon continues to discriminate and retaliate against me by forcing me on unpaid leave out of discriminatory and retaliatory animus and demanding that I provide a clearance to return to work and accommodation request form. However, Raytheon is failing to engage in the interactive process and inhibiting me from providing the requested information by refusing to provide a clear job description of the new position that it is discriminatorily and retaliatorily moving me into.

A person with a disability is defined as:

1. A person with a physical or mental impairment that substantially limits one or more major life activities; or
2. A person with a record of such a physical or mental impairment; or
3. A person who is regarded as having such an impairment.

I qualify as a person with a disability as defined by one or more of the above.

**Statement of Discrimination:** I believe I have been discriminated against because of my disability in violation of Title I of the Americans with Disabilities Act of 1990 and Texas Labor Code Chapter 21.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

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SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

02 / 14 / 2023

Date

*Shaila Bernard*

Charging Party Signature



Title	Corrected Charge Form
File name	09012024_Bernard,...80 - Charge.2.pdf
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## Document History



SENT

**02 / 14 / 2023**

20:45:44 UTC

Sent for signature to Shaila Bernard  
(bernardshaila@gmail.com) from  
megan.williams@spielbergerlawgroup.com  
IP: 47.206.207.90



VIEWED

**02 / 14 / 2023**

20:53:56 UTC

Viewed by Shaila Bernard (bernardshaila@gmail.com)  
IP: 99.139.149.215



SIGNED

**02 / 14 / 2023**

20:56:33 UTC

Signed by Shaila Bernard (bernardshaila@gmail.com)  
IP: 99.139.149.215



COMPLETED

**02 / 14 / 2023**

20:56:33 UTC

The document has been completed.